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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: CARDTRONICS ATM FEE
NOTICE LITIGATION

Member Cases: 11-CV-3056 BEN (BLM)
12-CV-0559 BEN (BLM)

CASE NO. 11-MD-2245 BEN (BLM)

**ORDER REJECTING NOTICE
OF DISMISSAL WITHOUT
PREJUDICE OF CASE NO.
12-CV-0559 BEN (BLM)**

[Docket No. 79]

On May 31, 2012, Plaintiff Thomas Chyra filed a Notice of Dismissal Without Prejudice of Case No. 12-CV-0559 BEN (BLM). Under Federal Rule of Civil Procedure 41(a), "the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared." Here, Defendants filed an answer to the complaint in the Central District of California on February 1, 2012. (Case No. 12-CV-0559 BEN (BLM), Docket No. 6.) Accordingly, Case No. 12-CV-0559 BEN (BLM) may only be dismissed by the filing of a joint motion signed by all parties who have appeared. *See* FED. R. CIV. P. 41(a); S.D. CAL. CIV. L.R. 7.2. The Notice of Dismissal Without Prejudice of Case No. 12-CV-0559 BEN (BLM) is **REJECTED**.

IT IS SO ORDERED.

DATED: 6/5/2012

HON. ROBERT T. BENITEZ
United States District Court Judge